

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13462 of 2023

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Ruby Raj Wife of Rajesh Sahni, Resident of village - Rajrauli Rampur Rauli,
P.S. Bahadurpur, District - Darbhanga, presently Pramukh, Block Panchayat
Samiti, Bahadurpur, District-Darbhangha. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna-cum- 2nd Appellate Authority Under Bihar Public Grievances Redressal Authority Act, 2015.
3. The Divisional Commissioner, Darbhanga Division, Darbhanga.
4. The District Magistrate, Darbhanga, District- Darbhanga.
5. The District Public Grievances Redressal Authority, Darbhanga, District -Darbhanga.
6. The District Panchayat Raj Officer, Darbhanga District- Darbhanga.
7. The Director, Accounts Administration and Self Employment, District Rural Development Agency, Darbhanga, District - Darbhanga
8. The Block Development Officer, Bahadurpur, District- Darbhanga.
9. Shiv Kumar Singh, Son of Fuleshwar Singh, Resident of village- Jeevanpatti, P.O. Kuji, P.S. Bahadurpur. District - Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. B, K. Mangalam, Advocate
For the State	:	Mr. Karandeep Kumar, AC to GP 6
For private respondent :		Mr. M. N. Parbat, Sr. Advocate
		Mr. Praveen Prabhakar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-11-2023 Heard Mr. S. B, K. Mangalam, learned counsel

appearing on behalf of the petitioner; Mr. Karandeep Kumar,

learned AC to GP 6 for the State and Mr. M. N. Parbat, learned

senior counsel for the private respondent.

2. It is submitted by learned counsel for the
petitioner that being aggrieved petitioner has sought quashing



of the notice dated 24.08.2023, addressed to the respondent no.4. The notice has been issued under the signature of the respondent no.2 in the capacity of second appellate authority under Bihar Public Grievance Redressal Authority Act, 2015. The second appeal has been filed by the respondent no.9 being Misc. No.513118028092200689/2A. The notice is contained in memo no.22711-13151, dated 24.08.2023, whereby and whereunder he has been pleased to issue notice in the above mentioned second appeal to all concerned and has simultaneously been pleased to direct to lodge first information report against the petitioner.

3. Learned counsel further submitted that there is no salary attached to the post of a Pramukh and Pramukh is paid an amount of Rs.10,000/- per month by way of allowance.

4. It is submitted that before her election as the Pramukh, the petitioner was running a firm in the name of M/s Ruby Raj. Certain vouchers were produced by the Executing Agents which revealed that the building materials were purchased from the firm registered in the name of petitioner. No allegation has been made that excess amount has been charged in excess of market price of the goods supplied by the firm to the Executing Agents. Petitioner has committed no wrong. Sale



amount has been paid by the agent to the firm from the funds of Panchayat Samiti.

5. It is lastly submitted that the order of respondent no.2 for lodging first information report against the petitioner is illegal and unwarranted in the given facts of the case and, therefore, the same cannot be sustained in law.

6. Mr. Karandeep Kumar, learned AC to GP 6, appearing on behalf of the respondents/State submitted that no coercive action has been taken against the petitioner as would appear from communication dated 27.09.2023, communicated by the Deputy Secretary, Panchayati Raj Department to the District Magistrate, Darbhanga. He informs further that the FIR which was proposed to be lodged against the petitioner has been made inoperative. He, however, admits that no personal notice/letter has been sent to the petitioner.

7. Be that as it may, this Court hereby directs the Deputy Secretary to ensure the service of the copy of the aforesaid letter dated 27.09.2023 to the petitioner personally. In case, the petitioner is aggrieved in any manner by the said letter or by the notice dated 24.08.2023, she is at liberty to appear before the appellate authority in accordance with law. The appellate authority is directed to pass a reasoned order



expeditiously in accordance with law.

8. The writ petition requires no interference in view of the pending appeal.

9. The authorities are restrained from proceeding to take any coercive action against the petitioner before deciding the pending appeal.

10. With above directions and observations, the writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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